Coercion and Reconciliation: Post-Conflict Resolution After the American Civil War

A Monograph

by

MAJ Woo C. Shin
United States Army

School of Advanced Military Studies
United States Army Command and General Staff College
Fort Leavenworth, Kansas

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Approved by:

_____, Monograph Director
Ricardo A. Herrera, PhD

_____, Seminar Leader
Kevin P. Romano, COL, SC

_____, Director, School of Advanced Military Studies
Henry A. Arnold III, COL, IN

Accepted this 10th day of May 2016 by:

_____, Director, Graduate Degree Programs
Robert F. Baumann, PhD

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Abstract

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This monograph suggests generalized conclusions about the efficacy of military coercion and reconciliation as concepts used to resolve conflict. To accomplish this, it analyzes the differences in US government and military methods and outcomes achieved in two states, Tennessee and Virginia, following the American Civil War.

The findings show that occupation forces in Tennessee lacked military coercive potential, which led to political domination by one party and subsequent oppression of the population, ultimately leading to violence and instability. In contrast, the federally imposed military government in Virginia retained coercive potential for a sufficient period of time for political discourse to occur without socio-political oppression, leading to relative stability and transition back to civil government, although later, the civil government adopted repressive policies.

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Acronyms

KKK   Ku Klux Klan

US   United States

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Introduction

> No matter what change we may desire in the feelings and thoughts of people South, we cannot accomplish it by force. Nor can we afford to maintain there an army large enough to hold them in subjugation. All we can, or should attempt is to give them rope, to develop in an honest way if possible, preserving in reserve enough military power to check any excesses if they attempt any.
>
> — General William Tecumseh Sherman

How does a victorious nation establish a stable political environment or relationship with a defeated nation following a war? Historical events show different approaches with equally varied results. One approach, exemplified by the termination of the Austro-Prussian War driven by Otto von Bismarck of Prussia, is to defeat the nation's army, not depose the government, and find a mutually acceptable political resolution. This approach resulted in a long period of stability, where Austria and Prussia (later Germany) were allies through World War I. In another instance, Napoleon conquered and dominated much of Europe, failed to stabilize the continent, and was later defeated in the Wars of the Sixth and Seventh Coalitions. Following World War I, the Allies imposed severe economic and military sanctions on the Central Powers while only occupying territory for two short periods from 1918-1919 and 1923-1925. This combination fostered an environment where Adolf Hitler rose to power and ended with the beginning of World War II. In contrast, following World War II, the victorious nations occupied the former Axis powers and undertook massive stability and reconstruction efforts. With the exception of North Korea, those nations are now stable and enjoy friendly relations with their former enemies. More recently, the US invasion of Iraq in 2003 and subsequent occupation eventually brought a modicum of stability within the country, especially following the adoption of a counterinsurgency approach. However, with the departure of occupation forces in 2011, the country slipped back into instability, giving way to the Islamic State of Iraq and Syria (ISIS) and the conflict that continues to this day.

These broadly and simplistically described historical vignettes suggest that if a government is toppled, the only way to establish long-term stability is to maintain a constant

presence (perhaps even for decades) within the defeated state while enacting political reforms and helping the society assimilate into the new domestic and international political order. However, looking at different periods of time, different nations, and different circumstances makes this generalization indefensible. There are simply too many variables between time, peoples, nations, and circumstances to draw any firm conclusions about what does and does not work in the realm of post conflict resolution. However, one example exists where many of the variables can be removed, and some generalized conclusions can be made.

During the Reconstruction Era following the end of the US Civil War in 1865, the US government and by extension, the US Army, used a patchwork of differing approaches to establish stability and bring about political reforms throughout the former Confederate states. During Reconstruction, Radical Republicans in the US government tried to enact significant socio-political changes throughout the defeated Southern states, most notably the emancipation of slaves and the extension of judicial rights and suffrage to freedmen. The Thirteenth, Fourteenth, and Fifteenth Amendments eventually codified these changes in the US Constitution.

In March 1867, after several Southern states' governments refused to ratify the amendments, Congress passed the Reconstruction Acts. It should be noted here that Congress pushed the Reconstruction Acts; President Andrew Johnson had a more lenient approach, whereby he would "personally appoint a civilian provisional governor,"[1] elect new state governments, and rapidly readmit the Southern states into the union. His approach was codified on 19 May 1865, when he issued his plan for Reconstruction. The Radical Republicans in Congress disagreed, and passed the Reconstruction Acts, which were, in turn, vetoed by President Johnson and then overridden by Congress. This dispute between the president and Congress continued for years until it culminated in Congress impeaching President Johnson on 23 February

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[1] Allen C. Guelzo, *The Crisis of the American Republic: A History of the Civil War and Reconstruction Era* (New York: St. Martin's Press, 1995), 384.

1868, rendering the remainder of his presidency impotent and ensuring the supremacy of the legislature and their Reconstruction Acts.[2] These acts established five military districts within the Southern states, with military governments holding supreme authority in those regions. Commanders and sub-commanders in those military districts took different approaches to the problem, even while operating under common federal political guidance and policy goals. Examining these differences in approach and their outcomes will indicate what combination of coercive military power and efforts to socio-politically assimilate the defeated population results in stability and security. The issues with other historical examples are absent; the time period, populations, and federal political guidance are all generally the same.

There is no shortage of literature dealing with Reconstruction. Various federal agencies collected and archived detailed records, notably the reports of the Secretary of War and the Bureau of Refugees, Freedmen, and Abandoned Lands (Freedmen's Bureau). Aside from government documents, scholars and authors have written thematically throughout the decades about specific states, agencies, periods, and events throughout the Reconstruction Era. Some historians, like Eric Foner, have even conducted broader surveys of the era as a whole.[3]

James E. Sefton, in his 1967 book, *The United States Army and Reconstruction*, made the first attempt at quantifying and qualifying the US Army's role in the period following the Civil War. He found that as a whole, "military administration of federal policy was creditable to the Army as an institution [but that] during the 1870s people gradually came to realize that the application of military force was a doubtful method of working transformations in a people."[4] Gregory Downs, in his 2015 book, *After Appomattox*, highlights the occupation of the former

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[2] Guelzo, *Crisis of the American Republic,* 390-391.

[3] Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877*, rev. ed. (New York: Harper Perennial Modern Classics, 2014).

[4] James E. Sefton, *The United States Army and Reconstruction, 1865-1877* (Baton Rouge: Louisiana State University Press, 1967), 253-254.

Confederate States by the United States Army from 1865 to 1871 and the effects that occupation

had on reshaping the post-Civil War United States of America. His extensive analysis of data on

how coercion, exemplified in troop concentrations, military reach, policies, and actions affected

the rights of people, especially freed slaves in the south, and set the stage for the political

reintegration of the Southern states back into the Union. James Smith, in his 1971 PhD

dissertation, "Virginia During Reconstruction, 1865-1870: A Political, Economic and Social

Study," thoroughly analyzes the social and political dynamics of Virginia before its readmission

into the Union. James Fertig, in *The Secession and Reconstruction of Tennessee*, provides a broad

overview of the Civil War and Reconstruction in Tennessee.

Likewise, in the theoretical arena, there is a whole field of social and political science

dedicated to conflict resolution. It began when "the Peace Research Laboratory was founded by

Theodore F. Lentz at St. Louis, Missouri, after the bombing of Hiroshima and Nagasaki in

1945."[5] Since then, more institutions and communities around the world have studied the subject

with the subsequent proliferation of writings addressing the theme. Peter Wallensteen, in

Understanding Conflict Resolution, defines conflict resolution as "a situation where the

conflicting parties enter into an agreement that solves their central incompatibilities, accept each

other's continued existence as parties and cease all violent action against each other."[6] William J.

Long and Peter Brecke, in *War and Reconciliation*, theorize a process that speaks to the

reestablishment of social order through identities, roles, and justice.[7] Yaacov Bar-Siman-Tov, in

From Conflict Resolution to Reconciliation, outlines conditions that lead to a stable peace. Louis

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[5] Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall, *Contemporary Conflict Resolution: The Prevention, Management, and Transformation of Deadly Conflicts*, 3rd ed. (Cambridge: Polity, 2011), 42.

[6] Peter Wallensteen, *Understanding Conflict Resolution: War, Peace, and the Global System* (London: Sage, 2002), 8.

[7] William J. Long and Peter Brecke, *War and Reconciliation: Reason and Emotion in Conflict Resolution* (Cambridge, MA: MIT Press, 2003).

Kriesberg, in the same compilation of essays as Bar-Siman-Tov, lays out four dimensions that lead to reconciliation.[8] Ho-Won Jeong, in *Peacebuilding in Postconflict Societies*, outlines a two-element road to peacebuilding.[9]

Aside from this literature, there are countless other essays, dissertations, monographs, and books that deal with the Reconstruction Era or with conflict resolution in general. However, none have yet tried to compare the methods used by the federal government during Reconstruction in different states and regions and drawn general conclusions about the use of military occupation following conflicts. This monograph endeavors to fill that gap.

Two states have been selected for analysis: Tennessee and Virginia. These two states represent the range of approaches used by commanders and political leaders during the Reconstruction Era. Tennessee never fell under the Reconstruction Acts; it had a military government led by future President Andrew Johnson placed over it during, but not after, the Civil War, with only a small military presence over subsequent years. It was also the first ex-Confederate State to be re-admitted into the Union in 1866. Virginia represents the opposite of Tennessee. Even though it was the first to restore civil government in 1865, it was not re-admitted into the Union until 1870, and in the years in between, was under military governance and experienced relatively high numbers of US Army soldiers on occupation duty.

In order to conduct a thorough study, Tennessee and Virginia's involvement in the Civil War and their comparative political conditions before the Reconstruction Era must be analyzed to provide context. The quantitative and qualitative nature, scope, size, and activities of the Union Army in those two states during the era provide evidence regarding the differing levels of military coercive potential that the US government exercised. Analysis of the socio-political changes and

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[8] Yaacov Bar-Siman-Tov, ed., *From Conflict Resolution to Reconciliation* (New York: Oxford University Press, 2004), 64.

[9] Ho-Won Jeong, *Peacebuilding in Postconflict Societies: Strategy and Process* (Boulder, CO: Lynne Rienner, 2005), 39.

attempted reconciliation of the populations during Reconstruction reveal the different policies enacted in each state. The resultant violence and instability within each of the states, compared in frequency and intensity, reveal stark differences in stability outcomes. Synthesizing and comparing the combination of factors, activities, and subsequent violence yield generalized conclusions regarding the combination of military coercion and reconciliation in post-conflict resolution.

Case Study 1 – Tennessee

Background

Tennessee was politically divided before and during the Civil War. It was the last to join the Confederacy in October 1861, largely due to a strong pro-Union population in East Tennessee, where slavery was based on luxury (house slaves), not economic necessity (farm slaves). During the war, the Confederate-dominated portions of West Tennessee and Middle Tennessee came under the control of Union forces following the battle of Shiloh (West Tennessee) and the capture of Nashville (Middle Tennessee) in 1862. Following the victory at Shiloh, Andrew Johnson became the military governor of Tennessee and held that post until he was elected vice president of the United States in 1864. The pro-Union government that emerged in 1865 led Tennessee to become the first Confederate state to outlaw slavery, on 22 February 1865. It ratified the Fourteenth Amendment on 18 July 1866, and was the first to be re-admitted into the Union on 24 July 1866. Because the loyalist government had been able to ratify the Fourteenth Amendment, Tennessee was the only formerly Confederate state to not have a military government during Reconstruction.

In sum, Tennessee was initially divided, "the last state to secede and the first one to succumb to federal arms – only eight months intervening between the 'Declaration of

Independence' and the appointment of Governor Johnson."[10] It had a military government while the rest of the war raged on until 1865. Afterwards, it was not governed by the military because civil control was restored.

Military Occupation and Coercive Potential

Because Tennessee transitioned politically from pro-secession to pro-Union before the Civil War ended, in April 1865, "[President] Johnson ordered the military to aid but not interfere with the loyal government."[11] This meant that the nature of the military's involvement in Tennessee was fundamentally different from the remainder of the Southern states.

Structurally, there was no military government and little troop presence in Tennessee after the election of a civilian government under Governor William G. Brownlow on 5 April 1865. Troop numbers rapidly declined. In June 1865, some two months following the close of the Civil War, there were over 67,000 troops in Tennessee. By the end of that year, that number had fallen to just under 13,000. By April 1866, a year after the war had ended, the total number of troops in Tennessee had dropped to 1,070 and stayed between 1,000 and 2,000 soldiers until February 1869 (fig. 1). The forces remaining in Tennessee were headquartered in the three largest cities: Nashville, Memphis, and Chattanooga, with small detachments of fewer than 100 troops spread in the countryside as necessary. These forces supported local, state, and federal governments, according to the instructions of President Johnson. Analysis shows that the US Army did not have the numbers to maintain a significant presence throughout Tennessee and therefore did not have the capacity or capability to be a significant coercive force in that state. However, the political calculus at the time assessed that the military was not needed to force

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[10] James W. Fertig, *The Secession and Reconstruction of Tennessee* (Chicago: University of Chicago Press 1898), 11.

[11] Gregory P. Downs, *After Appomattox* (Cambridge, MA: Harvard University Press, 2015).

change in Tennessee, since the loyalist government was already implementing the political and

social changes that were required for continued membership in the United States.
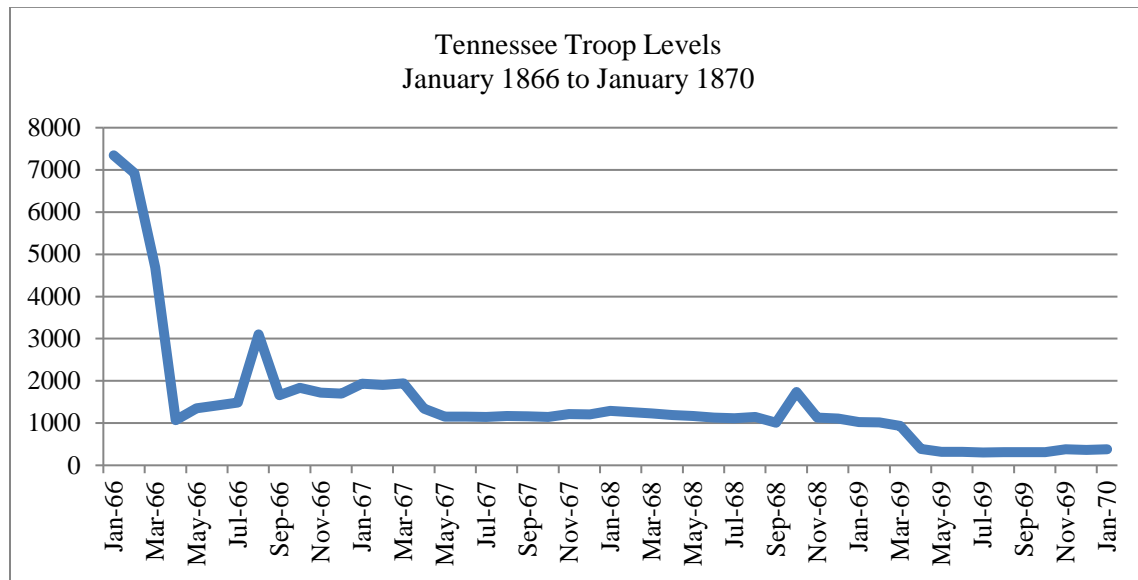

Figure 1. Tennessee Troop Levels – January 1866 to January 1870

Source: Data adapted from Gregory P. Downs, Mapping Occupation Troop Locations
Dataset, 2015, accessed 14 December 2015, http://mappingoccupation.org/map/static/data.html.

   The US military's authority to enforce the will of the US government was as important

as its coercive capacity and capability. In Tennessee, due to the presence of a loyalist

government, the military did not have the freedom of action it enjoyed in other areas of the

occupied territories. Since the military was subordinate to the state government, it was unable to

conduct any unilateral activities. The government, seeking to gain some semblance of legitimacy

free from the coercive potential of the military, was loath to use the army in any significant way.

When it did so, it was out of extreme necessity, and only in order to enforce the policies of the so-

called radical wing of the Republican party (Radical Republicans). In one instance, Governor

Brownlow "reluctantly acquiesced to the US Army's continued presence in his beloved East

Tennessee due to open resistance in that area."[12] This was one of limited instances where the state government utilized the military. Otherwise, the army was relegated to observing the situation without the authority to change it. As one officer wrote, the conditions in rural areas of Tennessee were "most deplorable…outrages of all kinds [were] being committed without any effort on the part of the civil authorities to arrest the offenders.[13]

The Bureau of Refugees, Freedmen, and Abandoned Lands (Freedmen's Bureau) recorded the majority of these military observations in Tennessee. In its effort to provide "the supervision and management of all abandoned lands, and the control of all subjects relating to refugees and freedmen from rebel states,"[14] the Freedmen's Bureau provided assistance by re-distributing land, providing food, shelter, medical care, and locating lost family members. However, since the Freedmen's Bureau was not only a relief agency but was also a subordinate enforcement arm of the War Department, it monitored and even legally adjudicated acts of violence and other forms of resistance against the new social paradigm brought forth by emancipation and the end of the war. In Tennessee, this legal authority to adjudicate matters was severely curtailed, as there was a functioning loyalist government, but the records of the Freedmen's Bureau indicate that its role as a monitoring agency was not reduced.

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[12] Ben H. Severance, *Tennessee's Radical Army: The State Guard and Its Role in Reconstruction, 1867-1869* (Knoxville: University of Tennessee Press, 2005), 9.

[13] Severance, *Tennessee's Radical Army,* 9; U.S. Congress, *House Executive Documents, Report of the Secretary of War*, 40th Cong., 2nd sess. (Washington, DC: Government Printing Office, 1867), 182-183.

[14] An Act to Establish a Bureau for the Relief of Freedmen and Refugees of March 3, 1865, ch. 90, 38th Cong., 2d sess., *Statutes at Large, Treaties, and Proclamations of the United States of America, 1789-1873*, vol. 13 (Boston: Little, Brown and Company, 1866), 507, accessed 1 December 2015, http://www.loc.gov/law/help/statutes-at-large/38th-congress/c38.pdf.

Socio-Political Changes and Reconciliation

As the Civil War ended, thousands of former Confederate soldiers returned home to Tennessee. These soldiers "willfully [took] a pledge to conduct themselves as peaceable and law-abiding citizens, [and] cherished no hostility toward the Union men who were now in control of the state."[15] There was "at first no opposition to the government and no danger of an insurrection either patent or latent."[16] However, as time went on, the state government's socio-political changes and restrictive policies marginalized and angered many former Confederates.

The first instance of social and political oppression began in 1865 as Tennessee arranged for US congressional elections. The Brownlow government restricted suffrage for over 80,000 ex-Confederates, preventing them from voting or running for office for fifteen years.[17] The government "looked upon the returning soldiers as enemies to society [who were] treated as a sort of subject class."[18] The Brownlow government saw this as a necessity, since the ex-Confederates needed to be punished and because the election of anti-Union Congressmen would bring forth Federal Reconstruction in Tennessee. The passage of this law was opposed in parts of Tennessee, and Governor Brownlow, with no real prior experience in government and more partisan than politician, was unwilling to address the opposition in a nuanced way. Instead, on 12 July 1865, he addressed Tennesseeans, telling them that "the spirit of rebellion still exists…must be destroyed…[and] that the franchise act would be enforced by the military if necessary."[19] As a result, a significant portion of the population was politically disenfranchised; in June 1861, over 150,000 votes were cast in statewide elections while in August 1865, only 61,783 votes were cast. Following a revised franchise law passed on 1 May 1866, only 50,000 people would be *eligible* to

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[15] Fertig, *Secession and Reconstruction*, 64.

[16] Ibid.

[17] Severance, *Tennessee's Radical Army,* 5.

[18] Fertig, *Secession and Reconstruction*, 65.

[19] Ibid., 69.

vote statewide, as the radical legislators tried to maintain their grip on power within the state.

The oppression of ex-Confederates was not just limited to voting rights. A bill was introduced on 18 May 1865 to fine any citizen between five and fifty dollars for wearing a Confederate uniform, although for some of the ex-soldiers, those were the only clothes they had. Another bill required women to take an oath of allegiance before being issued a marriage license, so that a future rebel population would not emerge in the next generation.[20] These proposals were, of course, on top of the already significant emancipation of slaves, with its effects rippling across society.

Even the conditions in which Tennessee was brought into the Union were fraught with controversy and highlight the political oppression through which the Radical Republicans took hold over the state. While the Tennessee State Senate ratified the Fourteenth Amendment in 1866, the State House of Representatives did not. Representatives opposed to ratification absented themselves from the House, thus stopping the vote by preventing a quorum from being established. The legislative sergeant-at-arms, controlled by the Radical Republican majority, had to arrest two members of the House and hold them to establish the quorum.[21] It was through this coercion by Radical Republicans that the state was able to achieve early re-admission into the Union and full control over the state's affairs with minimal oversight from the military.

Violence and Instability

The combination of low military presence and a socio-politically oppressive state government in Tennessee sowed the seeds of frustration and violence. On 1 May 1866, the same day that the last, most oppressive franchise law was passed, a riot broke out in Memphis, "which

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[20] Fertig, *Secession and Reconstruction*, 67.

[21] Sefton, *The United States Army and Reconstruction*, 101.

continued [for] two days and resulted in the death or injury of many persons."[22] This riot was addressed in a Freedmen's Bureau report. Colonel Charles "Chas" F. Jackson, Inspector General of Kentucky and Tennessee, wrote in his report, "three Negro churches were burned, also eight school houses, five of which belonged to the United States Government, and about fifty private dwellings, owned, occupied or inhabited by freedmen as homes, and in which they had all their personal property."[23] The local authorities were unwilling or incapable of dealing with these threats. In Memphis, the "Hon. John Park…completely failed to suppress the riot and preserve the peace of the city."[24] No arrests were made, and to make matters worse, the city recorder, John C. Creighton, "urged and directed the arming of the whites and the wholesale slaughter of blacks."[25]

In the Freedmen's Bureau's Tennessee Records of Outrages, from April 1865 to July 1868, there were no fewer than 140 specified instances where white Tennesseans had assaulted emancipated black individuals. In addition to the instances where the assailants or victims were clearly named, there are other general notes and reports like "freedmen are daily driven from their homes without a cent after having been induced to work the year with a promise of a share of the crop,"[26] indicating that there was widespread violence and crime against freedmen. This widespread violence and crime indicates an unstable socio-political environment that could or would not be effectively managed by the local and state authorities.

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[22] Fertig, *Secession and Reconstruction*, 75.

[23] Charles F. Jackson and T.W. Gilbreth to O.O. Howard, 22 May 1866, in US Bureau of Refugees, Freedmen and Abandoned Lands, Assistant Commissioner for the State of Tennessee, *Report of Outrages, Riots and Murders, Jan. 15, 1866 – Aug. 12, 1868, Records of the Assistant Commissioner for the State of Tennessee, 1865-1869*, National Archives Microfilm Publication M999, roll 34.

[24] Ibid.

[25] Ibid.

[26] Ibid.

Amid all this violence, in December 1865, six Confederate veterans in Pulaski, Tennessee created the Ku Klux Klan (KKK) and then rapidly increased the organization's membership; in 1868, Nathan Bedford Forrest, a former Confederate cavalry general and KKK Grand Wizard, "bragged that the KKK claimed 40,000 members in Tennessee."[27] In its infancy, the group terrorized black Americans at night, and then quickly turned to violence, lynching, and murder to rail against the post-Civil War social order.[28] Forrest, and other whites, came to see the group's activities as a legitimate, logical response to the oppression brought about by the Radical Republicans and supporting organizations like the black Union League and the Tennessee State Guard.[29] The movement was so popular that it eventually spawned copycat organizations like the Knights of the White Camelia in Louisiana and the Southern Cross in New Orleans.

The Freedmen's Bureau reports addressed an 1868 riot in Pulaski, Tennessee, implicating the KKK in the organization and execution of the violence. In this case, eighteen white men fired volleys into a house, targeting eight black men and killing two. As the Subordinate Assistant Commander of the Freedmen's Bureau, Michael Walsh, wrote in his report:

> From the readiness in which these men attended upon this occasion it could only be done by an organization well matured and drilled. There is reason to believe and circumstances & affidavits warrant the belief that such organization is in existence that is called the Ku Klux Klan, having for its end the expulsion of loyal men whites and blacks…and thus terrorizing similar to that which was general in this country about the breaking out of the rebellion.[30]

Results in Tennessee

After being sent to hunt some guerrilla outlaws in November and December 1865, a US

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[27] J. Michael Martinez, *Carpetbaggers, Cavalry, and the Ku Klux Klan: Exposing the Invisible Empire During Reconstruction* (Plymouth, UK: Rowman & Littlefield, 2007), 21.

[28] Richard Baudouin, ed., *Ku Klux Klan: A History of Racism and Violence*, 6th ed. (Montgomery, AL: Southern Poverty Law Center, 2011).

[29] Martinez, *Carpetbaggers, Cavalry, and the Ku Klux Klan*, 20.

[30] Michel Walsh to W.P. Carlin, 11 January 1868, in *Report of Outrages in Tennessee, 1866-1868*.

Army cavalry detachment commander, Captain Edwin Leib, wrote prophetically to his superiors "if the troops are withdrawn…there will be no peace or quiet for the black man and the very few Union men"[31] in the areas he traversed.

The combination of minimal military capacity, capability, and authority and an oppressive, partisan state government exacerbated existing divisions within the population and caused spiraling instability and violence within Tennessee. The Radical Republicans controlled all branches of state government and considered anyone who opposed their policies to be enemies; indeed, even in the US Congress, the concept of a loyal opposition was foreign to these extremists. These conditions led to the rise of the Ku Klux Klan in areas that were essentially lawless. The rise of the KKK, in turn, gave way for Governor Brownlow and the Radicals to organize and equip a "State Guard," or militia, in a bill passed on 20 February 1867.

The State Guard eventually enlisted more than eighteen hundred men, and essentially served as the military wing of the Radical Republicans and Governor Brownlow.[32] It conducted operations throughout 1867 and managed to quell some of the resistance throughout Tennessee. However, the militia was expensive, having "cost the taxpayers $194,595, an expense that ranked second only to payment on the state debt, and one that amounted to 11 percent of Tennessee treasury disbursals for [fiscal year 1867],"[33] and was also prone to misconduct. It was therefore effectively disbanded when Adjutant General Daniel Boynton "suspended all militia operations and placed the remaining two companies on indefinite furlough."[34] The establishment and exercise of coercive power by the State Guard had been effective in 1867 for the Radical Republicans to solidify their power, but with its demise in 1868, the Ku Klux Klan "inaugurated

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[31] Severance, *Tennessee's Radical Army,* 10; Paul D. Phillips, "A History of the Freedmen's Bureau in Tennessee" (Ph.D. diss., Vanderbilt University, 1964), 275-276.

[32] Severance, *Tennessee's Radical Army,* 31.

[33] Ibid., 173.

[34] Ibid., 174.

an unprecedented campaign of counter-Reconstruction."[35]

The increasing amount of violence wrought by the KKK in 1868 caused the Radical Republicans to call up the State Guard again in early 1869, to finally defeat that organization and "destroy the ex-Confederate challenge once and for all."[36] Martial law was declared in eight of eighty-four counties, and the militia was deployed throughout the state to fight the Klan. There were only a few small engagements, though, because the KKK was generally unwilling to fight the militia openly. Within six months, the re-created State Guard was again disbanded.

By 1870, the Radical Republicans and Reconstruction in Tennessee had failed. In 1869, the state Supreme Court ruled that the franchise laws and Radical Republican enforcement of those laws were unconstitutional.[37] A new government was elected, and without Radical Republican restrictions, the Democrats prevailed with a counter-Reconstruction stance. John C. Brown, "a former Confederate general and a one-time leader of the Ku Klux Klan"[38] was elected governor in 1871. The new political regime negated many of the social and political changes that had been championed by the Radical Republicans in the past five years. Black suffrage was maintained to keep Tennessee in the Union, but a state poll tax was instituted, functionally barring most freedmen from voting.

It is clear that Reconstruction-era Tennessee was defined by an oppressive political regime without a long-standing, capable, and legitimate coercive force. To add to this, the regime endeavored to institute socio-political change that was fundamentally opposed by many within the population. The regime made little effort to assimilate or appease ex-Confederates, and anyone who opposed them was labeled an enemy. This combination of factors led to the

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[35] Severance, *Tennessee's Radical Army,* 174.

[36] Ibid., 193.

[37] Ibid., 224.

[38] Ibid., 228.

disenfranchisement of large portions of the populace, with no outlet to air grievances other than through the use force. The violence in Tennessee increased as Reconstruction progressed, until 1870, when political repression by one faction of one party ended. Indeed, as George C. Rable summarized in *But There Was No Peace*, "to alter Clausewitz's famous dictum, peace became war carried on by other means."[39]

Case Study 2 - Virginia

Background

Virginia began the Civil War on the fence between staying in the Union and secession. On 4 April 1861, the state legislature voted against secession, a full three months after seven other Southern states had seceded. However, after the Confederates captured Fort Sumter and President Lincoln called for volunteers to suppress the rebellion, the people of Virginia voted to secede in a referendum on 17 April 1861.

As one of the oldest states in the land, Virginia's prestige carried great symbolic weight. Moreover, the Old Dominion also had a large portion of the industrial and agricultural capacity of the South. In addition to these strategic resources, the proximity of Virginia to the north, and especially to Washington, DC, made control over Virginia a key objective for both the Union and Confederate armies throughout the war. Reflecting this importance, in May 1861, the Confederate capital was moved from Montgomery, Alabama to Richmond, Virginia in order to protect this vital state and recognize Virginia's symbolic importance to Confederate identity. With this move, Richmond, and Virginia as a whole, became the cultural, political, economic, and industrial center of the Confederacy. Richmond produced the majority of the artillery, railroad locomotives and cars, guns, bullets, food, clothing, and other war materiel for the Confederacy, enduring as

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[39] George C. Rable, *But There Was No Peace* (Athens: University of Georgia Press, 1984), 15.

the most important and longest-lasting industrial city in the Southern states.

Indeed, because of Virginia's strategic importance, most of the fighting that occurred in the eastern theater of the war occurred in Virginia between Robert E. Lee's Army of Northern Virginia and the Union's Army of the Potomac. The Battle of First Bull Run (Manassas), the Peninsula Campaign, and the battles of Fredericksburg, Chancellorsville, and the Overland Campaign were but a few of the engagements fought in Virginia throughout the Civil War. The conclusion of the Civil War has often been associated with the capture of Petersburg and Richmond, Virginia, and the ensuing surrender by Robert E. Lee to Ulysses S. Grant at Appomattox Courthouse. With this defeat, the Confederacy could no longer supply itself, the political center had been seized, and the Confederate armies were exhausted and unable to continue fighting.[40]

Virginia ended the war with widespread devastation, as "the resources of Virginia had…been more thoroughly drained than those of any other of the Confederate States."[41] The railroads were torn up, agricultural lands were unused, and large portions of the population were displaced. Confederate troops burned 25% of Richmond as they retreated from the city, but Union troops put out the fires and saved most of the industrial infrastructure, leaving Richmond in a relatively advantageous position to regain its economic footing.

With the end of hostilities, on 26 May 1865, Governor Francis Pierpont, who had been running a pro-Union Virginia shadow government from 1863, "went from Alexandria to

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[40] While General Robert E. Lee's surrender at Appomattox Courthouse on 9 April 1865 is commonly understood to signify the end of the Civil War, some fighting did continue afterwards. General Joseph E. Johnston continued the Carolinas Campaign until he surrendered to Major General William T. Sherman at Bennett Place, North Carolina on 26 April 1865. In Texas, the last major engagement was the Battle of Palmito Hill from 12-13 May 1865; General Edmund K. Smith did not officially surrender until 2 June 1865, while Brigadier General Stand Watie held out until 23 June 1865, when he surrendered at Doaksville, Indian Territory.

[41] Hamilton J. Eckenrode, *The Political History of Virginia During the Reconstruction* (Baltimore: Johns Hopkins University Press, 1904), 26.

Richmond," and was recognized by President Andrew Johnson as the legitimate governor of the state. The legislature voted to ratify the Thirteenth Amendment, freeing slaves, but also instituted the Black Codes, which severely restricted the movement and rights of the newly freed blacks. This mixed bag of policies passed by the Virginia government ultimately caused the US Congress to put the state under military rule in 1866.

Military Occupation and Coercive Potential

The Department of the Potomac, and later, the First Military District, administered the state of Virginia.[42] Major General John M. Schofield initially commanded the First Military District, and was then followed by Major General George Stoneman and Major General Edward R.S. Canby. In a report submitted in 1867, General Schofield's summed up his command responsibilities by saying, "the civil government has been interfered with only when it was believed to be necessary, while I have not hesitated to exercise any of the functions of local government when the necessity for such exercise was believed to exist."[43] The implication here is that the military, under General Schofield, had the freedom to take any action necessary in the pursuit of national objectives as outlined by Congress. With Schofield's understanding of the law and his role as the commander, he allowed civil government to exist and operate as long as it was doing what the federal government deemed appropriate.

In enforcing the laws of the nation, Schofield was concerned with the justice system in Virginia. He developed a multi-layered plan to observe, influence, and in certain cases, overrule civil governments in Virginia. Schofield "issued an order appointing military commissioners, officers of the army and of the Freedmen's Bureau for the various counties and cities of the State,

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[42] US Department of War, *Annual Report of the Secretary of War 1866*, 39th Cong., 2d sess., House Executive Document 1 (Washington, DC, 1866), 5; US Department of War, *Annual Report of the Secretary of War 1867*, 40th Cong., 2d sess., House Executive Document 1 (Washington, DC, 1867), 240.

[43] *Annual Report of the Secretary of War, 1867*, 240.

with the powers of justices of the peace, and divided the State into sub-districts under commanders whose powers have, from time to time, been enlarged as circumstances seemed to require, until they have now the powers and jurisdiction of circuit judges [while] military commissioners take jurisdiction only in cases where the civil authorities fail, from whatever cause, to do justice."[44] This spread Schofield's occupation forces out, and gave his subordinate commanders the authority and latitude to supplement or override the civil government's actions.

In order to accomplish his task, the First Military District had a relatively large force to work with. The total numbers of troops in Virginia dropped precipitously from a high of 55,292 troops in May 1865 to 3,293 in January 1866, as the US armies were demobilized after the war.[45] However, the number of troops stabilized in Virginia at around 3,000 troops until October 1867, when it was reduced to about 2,000 troops until the end of the Reconstruction Era. These troops were spread roughly evenly throughout the state in company-sized elements, with the highest concentrations in Richmond, where the First Military District Headquarters was located and where the largest population lived (fig. 2).

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[44] *Annual Report of the Secretary of War, 1867*, 241.

[45] Gregory P. Downs, Mapping Occupation Troop Locations Dataset, 2015, accessed 14 December 2015, http://mappingoccupation.org/map/static/data.html.
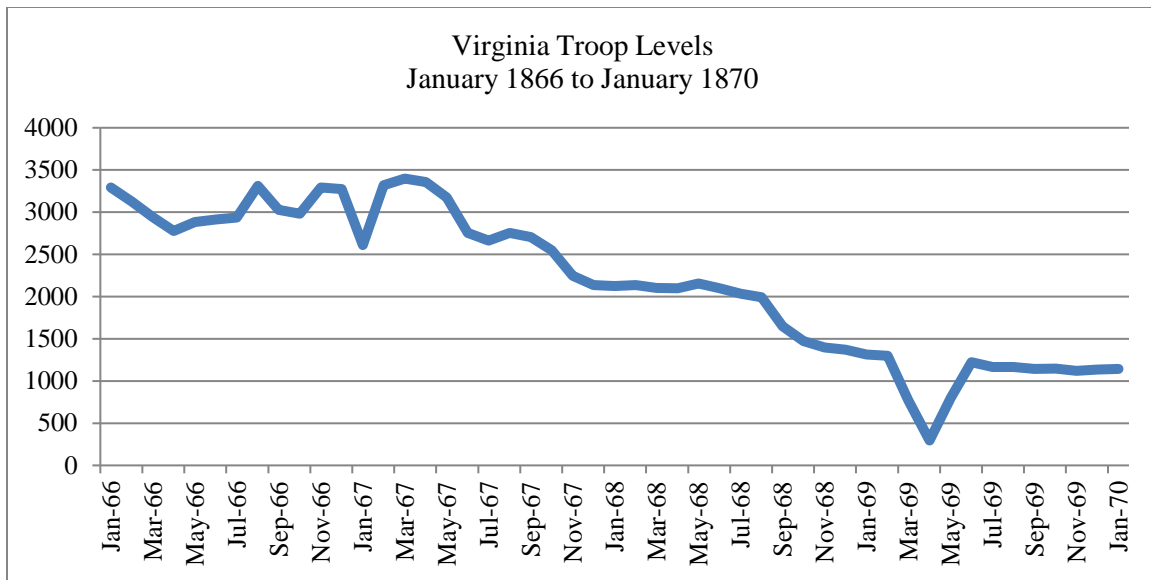
Figure 2. Virginia Troop Levels – January 1866 to January 1870

Source: Data adapted from Gregory P. Downs, Mapping Occupation Troop Locations Dataset, 2015, accessed 14 December 2015, http://mappingoccupation.org/map/static/data.html.

This combination of some capability, capacity, and authority enhanced the coercive capability of military forces in Virginia. Within six months of taking command, "[General] Canby appointed 3,070 new officials to state, city, and county offices, and removed over 5,000."[46] In Petersburg, Virginia, "the district commander suspended all municipal elections,"[47] filled municipal office vacancies, controlled the registration of voters, and changed voting laws. In short, "the military commander[s]…had the power to enforce martial law by assuming judicial and police powers."[48] In addition to the judicial and police powers exercised by the military commanders in Virginia, they also took steps to regulate the economy.

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[46] William D. Henderson, *The Unredeemed City: Reconstruction in Petersburg, Virginia: 1865-1874* (Washington, DC: University Press of America, 1977), 34-45.

[47] Ibid., 30.

[48] Ibid., 31.

Socio-Political Changes and Reconciliation

With the military in firm control over Virginia, the socio-political changes in Virginia were measured and moderated over several years. While there were wide-ranging and heated divisions within the state regarding the enfranchisement of blacks and ex-Confederates, the military was able to respond to them and influence the process toward a middle ground.

Prior to the Reconstruction Acts, the government under Governor Pierpont took a relatively moderate stance on issues, ratified the Thirteenth Amendment, but did not ratify the Fourteenth Amendment. However, the groundswell of Radical Republicanism throughout the country would not stand for this moderate stance, and "the Radical Republicans in Virginia…wanted to overthrow the Pierpont regime and substitute a more 'loyal,' and a more radical, regime."[49] Following the passage of the Reconstruction Acts, the military government replaced the Pierpont government, paving the way for an energized Radical Republican party to try to assert its dominance, much as it had in Tennessee. With the assistance of the Freedmen's Bureau and the Union League, the Radical Republicans had a free hand in rewriting Virginia's state constitution in 1868, and wrote it in such a way as to enfranchise blacks while disenfranchising ex-Confederates. However, as time passed, opposition to the Radical Republican platform grew. When the new Constitution was ratified in 1869, paving the way for re-entry into the Union, the most extreme and controversial measures were defeated by the voters.

This back-and-forth political discourse and discord occurred under the military government, which moderated the ultimate outcome by allowing the political process to play out and balance before a civil government regained control over the state, to the chagrin of Radical Republicans. In the execution of his duties as the First Military District commander, General Schofield suffered attacks from both ends of the spectrum. Conservative whites in Virginia

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[49] James D. Smith, "Virginia During Reconstruction, 1865-1870: A Political, Economic, and Social Study" (PhD diss., University of Virginia, 1960), 26.

accused him of supporting the Radical Republican cause, and in turn, the Radical Republicans

attacked him for slowing the implementation of black suffrage and keeping ex-Confederates

enfranchised.[50]

While populations on both ends of the political spectrum criticized General Schofield's

military government for being too moderate, the Freedmen's Bureau in Virginia was a much

more partisan organization than in Tennessee, precisely because it enjoyed the authority to make

wide-ranging social and economic decisions within the state. In Virginia, "the bureau…existed in

the community as a foreign and independent judicial, social, economic, and political power."[51] It

was established in Virginia on 15 June 1865, and proceeded to provide land, rations, schooling,

and protection to freedmen throughout the state. However, most importantly, the agents in the

Freedmen's Bureau were, in many cases, Radical Republicans, and were teaching, coaching, and

mentoring black communities to organize and partake in political activity, specifically to demand

black suffrage and in the disenfranchisement of ex-Confederates.

The race-focused actions of the Freedmen's Bureau exacerbated racial divisions within

the state. In fact, when Major General James B. Steedman and Brigadier General Joseph S.

Fullerton were sent from Washington, DC to the Southern states to report on progress, they

"brought back a report decidedly adverse to the [Freedmen's Bureau]."[52] In their report,

Steedman and Fullerton stated, "[the Freedmen's Bureau's] general effect was to awaken

antagonism between the races."[53] Incidents of Bureau agents' corruption and exercise of wide

legal jurisdiction served to further antagonize the population. Even US Army commanders

expressed discontent with the Freedmen's Bureau. In one notable instance, Major General Henry

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[50] James L. McDonough, "John Schofield as Military Director of Reconstruction in Virginia," *Civil War History* 15, no. 3 (September 1969): 237–256.

[51] Smith, "Virginia During Reconstruction," 55.

[52] Ibid., 60.

[53] Ibid.

W. Slocum, who had resigned his command over the Department of the Mississippi, said that "the courts of the Freedmen's Bureau generally discarded the forms of the due process of law…white southerners were often tried on trivial or trumped up charges, and were made subject to an arbitrary decision by an official not properly qualified to be a judge."[54]

In addition to the Freedmen's Bureau's political activity and unpopularity, a secret society called the Union League with "national organization and local branches"[55] was created in the northern states and began operating in Virginia. The Union League held nighttime political education courses for freed blacks, where "they were instructed in the privileges of citizenship and the duties they owed to the party which had made them free and given them exercise of suffrage."[56] This political activity, held in secret, further divided Virginia society by race, threatened the supremacy of whites, and had the potential to cause further political instability in the state.

The activities of the Freedmen's Bureau and the Union League culminated in the Republican Party's state elections of October 1867, when the Radical Republicans defeated the conservative wing of the party. The radical wing had seventy two delegates elected, twenty five of whom were black, while the conservatives only had thirty three elected.[57] These delegates went forward into the 1868 Virginia constitutional convention. The constitutional convention became a key inflection point in the socio-political future of Virginia. It was a turbulent session, and addressed everything from taxation and education to suffrage. Although the Radical Republicans dominated the convention, the conservative voice was heard. Through months of writing, debating, and negotiating, the military did not intervene, but observed closely and with

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[54] George R. Bentley, *A History of the Freedmen's Bureau* (Philadelphia: University of Pennsylvania, 1955), 154.

[55] Eckenrode, *The Political History of Virginia During the Reconstruction*, 60-61.

[56] Ibid., 61.

[57] Ibid., 84.

interest.

General Schofield addressed the convention only once, on 17 April 1868, the day of adjournment. In his speech, he attempted to steer the Radical Republicans away from their course, stating, "it would be impossible to administer the government on [the basis of disenfranchisement]."[58] His speech was ultimately ignored, but others within the military establishment also wrote reports echoing the same concerns. Interestingly, even an officer in the Freedmen's Bureau wrote, "[I have] read the new Constitution, [which] I approve with the exception of the 'Iron Clad' [test] oath."[59] The "test oath" provisions would have effectively prevented all ex-Confederates from voting and barred any previous government office-holders from being elected again to office. Regardless of military objection and concern, the Constitution was passed, enfranchising blacks and disenfranchising whites. However, before final approval, "it was necessary to submit the completed Constitution to Congress. Once Congressional approval was obtained the Constitution might be submitted to the people of Virginia for ratification."[60]

Here, General Schofield and the military government were able to exert influence. On the day after the convention, "General Schofield wrote a lengthy letter to General [Ulysses S.] Grant recommending either that the…Constitution not be submitted to the people for ratification or that Congress modify the 'test oath' provisions."[61] While General Grant was not yet president, Schofield's military government was pressuring the federal government to force political moderation on Virginia's future government. Almost a full year after the constitutional convention adjourned, on 7 April 1869, now-President Grant finally recommended to Congress that the new Virginia Constitution be submitted to popular vote and further recommended that

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[58] Eckenrode, *The Political History of Virginia During the Reconstruction*, 101.

[59] Smith, "Virginia During Reconstruction," 111.

[60] Ibid., 117.

[61] Ibid.

"provision be made for a separate vote on such clauses of the Constitution as deemed necessary."[62]

Congress authorized President Grant's recommendations, and on 6 July 1869, elections were held in Virginia to ratify the new constitution and to elect the state government. Separate votes were also taken on two portions of the constitution: the "test oath" and disenfranchisement clauses.[63] The constitution was approved, but the two separate clauses were defeated.[64]

In the five years between the end of the Civil War and Virginia's re-entry into the Union, three of them under military rule, the political situation in Virginia was dynamic and swayed back and forth, from moderate to radical and then back to moderate. What is key here is that no one party actually controlled Virginia until it was re-admitted into the Union, and thus, could not enforce its policies over the people nor gain their acquiescence and support. The political discourse was allowed to evolve without complete domination by one political element, with Radical Republicans first gaining the support of freed blacks through the Freedmen's Bureau and Union League, and then the conservative Republicans responding by organizing politically to counter the policies of the Radicals.

An example of this enabling discourse is shown in Alex H.H. Stuart's letter to a newspaper in Virginia following the Radical Republican constitutional convention. In it, Stuart decries the social changes taking place throughout Virginia and worries, "should the Constitution recommended by the convention be ratified...the condition of the Commonwealth will be simply intolerable."[65] His inherent racism is evident throughout the letter, but the moderating influence

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[62] Smith, "Virginia During Reconstruction," 147.

[63] Ibid., 148.

[64] Ibid., 157.

[65] Alex H.H. Stuart, letter, "Restoration Of Virginia to the Union," in James P. Shenton, ed., *The Reconstruction: A Documentary History of the South After the War: 1865-1877* (New York: G.P. Putnam's Sons, 1963), 142.

of the ongoing political process and the need for compromise led Stuart to conclude, "will it not, therefore, be wise for the people of Virginia to make up their minds to come up at once to the proposition of…'Universal suffrage and universal amnesty'? Better that than 'universal suffrage and universal disenfranchisement.'"[66]

The army's occupation allowed political discourse within Virginia. Through close observation and timely intervention by the military, the most controversial portions of policy were identified and then countered, leading to a final result that allowed for reconciliation with ex-Confederates and other disaffected portions of the populace. This reconciliation with former enemies allowed for political transition, but ultimately opened the door for those ex-Confederates to oppress freedmen in the late nineteenth century and beyond.

Violence and Instability

In the Secretary of War's Annual Report of 1868, the summary for the First Military District states:

> The military force of the district is composed of two regiments of infantry and one company of artillery, *which force has been found sufficient to protect the citizens in their lives and property and preserve the peace in the district*. In pursuance of the policy pursued in the district ever since its formation, the State courts, and civil authorities generally throughout the State, have been permitted to exercise the functions appertaining to their respective offices, subject, however, to appeal to the military authorities by any person who might conceive that injustice had been done him by their action.[67]

The combination of military government, coercive potential, authority, and fluid political environment without socio-political oppression by any one faction allowed Virginia to escape large-scale violence and instability. This is not saying that violence and instability were totally absent; as with any period of great social change, there were instances of violence, and the political instability that Virginia underwent is evident. However, there were no riots like those

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[66] Stuart, "Restoration Of Virginia to the Union," 144.

[67] US Department of War, *Annual Report of the Secretary of War 1868*, 40th Cong., 3d sess., House Executive Document 1 (Washington, DC, 1868), XIV; emphasis added.

that occurred elsewhere in the south, as in New Orleans, Louisiana, and Memphis, Tennessee in 1866. Likewise, the KKK tried to establish itself in Virginia, but was unable to gain enduring strength before it disappeared.

As in Tennessee, the Freedmen's Bureau tracked, monitored, and reported on the condition of freedmen in Virginia from 1865 to 1869. Between those dates, there were only seventy-nine reported instances of violence in the state of Virginia. The majority of these incidents were between individuals or small groups.[68]

Perhaps more revealing than a summary of reports of violence is the rapid rise and fall of the KKK in Virginia. Even though the organization had been established it made no inroads into Virginia until 1868, at the height of the Radical Republicans' influence in the state at the conclusion of the constitutional convention. The records of the Freedmen's Bureau only reflect two instances of violence and intimidation perpetrated by the KKK, both in April 1868. Records of the motivations of Klan activity are absent or incomplete, so causation cannot be determined, but the correlation of events is compelling. When there was legitimate political debate and the possibility of political recourse, before and during the constitutional convention, the KKK was unable to find significant support in Virginia. After the constitutional convention, when it seemed that the Radical Republicans would dominate and socio-politically oppress all opposition, the KKK made inroads and conducted a couple of violent attacks. When the constitution was not immediately put forth for ratification and political machinations evolved to include a legitimate

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[68] US Bureau of Refugees, Freedmen and Abandoned Lands, Assistant Commissioner for the State of Virginia, *Records Relating to Murders and Outrages: Register of Outrages Committed on Freedmen Jan. – Dec. 1868, Records of the Assistant Commissioner for the State of Virginia, 1865-1869*, National Archives Microfilm Publication No. 1048, Roll 59.; US Bureau of Refugees, Freedmen and Abandoned Lands, Assistant Commissioner for the State of Virginia. *Records Relating to Murders and Outrages: Index to Report of Outrages in Virginia, Records of the Assistant Commissioner for the State of Virginia, 1865-1869*, National Archives Microfilm Publication No. 1048, Roll 59.

opposition group to the Radical Republicans, the Klan's gains in the state rapidly dissipated and then disappeared.

Results in Virginia

With the war's end, Virginians "accepted it with grim forebodings of the hated Yankee domination that was expected to come,"[69] and when Union troops were placed throughout the state, they were "an unwelcome reminder of past and present."[70] However, the capable and legitimate military government embodied by the First Military District was able to provide security, serve as a legal arbiter of last resort, and allow the political discourse in the state to proceed organically for years without ever having one extreme faction in control of the government. As a result, "the State of Virginia made the transition from military government to a government controlled by conservative Virginians without the interlude of carpetbag-Negro rule [sic] that most of her fellow Southern states experienced."[71] "The Virginia election [in 1869] was generally peaceful and showed about an 80 per cent turnout of registered voters," showing the progress of socio-political change and overall enfranchisement.[72] By no means was this an easy process. The First Military District had three separate commanders from 1865 to 1870, had to decide when and how to arbitrate seemingly biased and unfair legal cases, had to remove civil officials and appoint others to vacant slots, and had to perform voter registration throughout the state. The Freedmen's Bureau fueled some of the political polarization while providing care to freedmen in the state. However, the combination of a potentially coercive military umbrella and an evolving political reconciliation process kept violence at a minimal, criminal level, and allowed overall stability through turbulent political times.

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[69] Smith, "Virginia During Reconstruction," 433.

[70] Ibid., 438.

[71] Ibid., 157.

[72] Sefton, *The United States Army and Reconstruction*, 198.

Analysis

These two cases, Tennessee and Virginia, illustrate the difference in outcomes based on the level, type, and authority of military forces in post-conflict resolution, and the amount of socio-political change and reconciliation sought. While it is a stretch to definitively say that the contexts within Tennessee and Virginia were exactly the same because they were both involved in the Civil War, the difference is far smaller between these two states than the difference between Germany after World War I and World War II, or between Germany in 1945 and Iraq in 2003. Compared to these other cases, it holds that in general, Tennessee and Virginia from 1865 to 1870 were contextually very similar with populations composed of Unionists, Radical Republicans, and ex-Confederates. The levels of devastation between the two are dissimilar in detail, but both states suffered widespread destruction and social strife during the Civil War. Thus, what truly differed in Tennessee and Virginia was the nature, scope, and type of reconstruction that followed the Civil War.
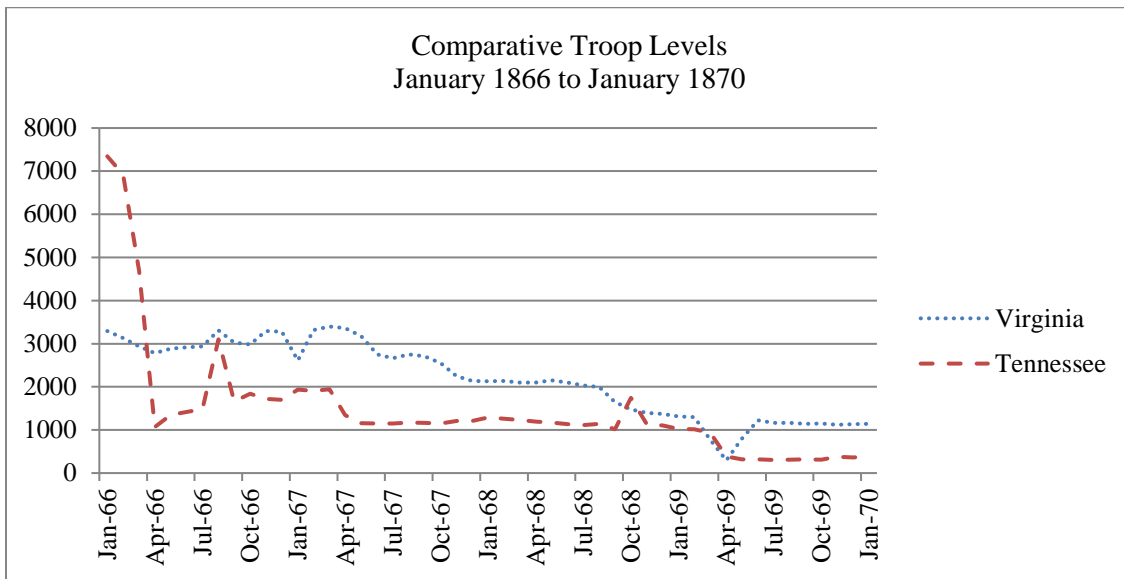

Figure 3. Comparative Troop Levels – January 1866 to January 1870

Source: Data adapted from Gregory P. Downs, Mapping Occupation Troop Locations Dataset, 2015, accessed 14 December 2015, http://mappingoccupation.org/map/static/data.html.

In Tennessee, the rapid consolidation of power by the Radical Republicans even before the war ended allowed that state to be the first to re-enter the Union. That early political reintegration into the Union prevented the US government from giving the military within the state the authority, capability, or capacity to exert the will of the federal government on the state. The initial impression would be that Tennessee was under appropriate civil authority, with the military in support, and that early entry meant political legitimacy and stability. However, it was precisely the lack of military governance and authority that allowed one single party to dominate the state government and oppress the people, rather than reconciling them, leading to the rise of the Ku Klux Klan and multiple instances of violence and instability throughout the state.

In Virginia, political re-entry into the Union took much longer, and the military government lasted until 1870, giving the initial impression that Virginia must have had problems of stability and violence that needed to be handled by the military. One would also believe that the military presence, so unwelcome a reminder of the war and northern domination, would be a source of instability. However, "on the whole, relations between the occupation forces and Virginians were calm."[73] The evidence shows that the authority, capacity, and capability of the military government actually kept violence and instability to a minimum because no one political party was able to exert its dominance over the people. The people had the same grievances as those in Tennessee, but they were able to express them in the political domain, rather than resorting to violence to get their voices heard. The result was that "political life in Virginia during Reconstruction, while often tense and bitter, was, on the whole, far more stable than it was in many of the other Southern states."[74]

In order to conduct a thorough analysis, the history of the Reconstruction Era should be viewed through two different lenses: theory and doctrine. An expansive set of academic and

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[73] Smith, "Virginia During Reconstruction," 461.

[74] Ibid., 466.

practical writing addresses post-conflict resolution, reconciliation, peacebuilding, and other subjects related to the cession of hostilities and the establishment of peace. These writings propose theories on the processes, elements, and structure of effective post-conflict resolution. Likewise, US military doctrine addresses conceptual and practical ideas for the execution of stability operations following a conflict.

Analysis Through Post-Conflict Resolution Theories

Current theoretical constructs of conflict resolution and reconciliation are useful in understanding why the differences in Tennessee and Virginia are so stark. There are many theoretical constructs that have been developed by social scientists in the twentieth century, mostly driven by the introduction of the United Nations and the peacekeeping operations that have followed. William J. Long and Peter Brecke theorize a process that speaks to the reestablishment of social order through identities, roles, and justice. Yaacov Bar-Siman-Tov outlines conditions that lead to a stable peace. Louis Kriesberg lays out four dimensions that lead to reconciliation. Ho-Won Jeong outlines a two-element road to peacebuilding. These constructs have similar elements, with minor differences, and looking at post-Civil War Reconstruction activities through these lenses provides theoretical backing to the results obtained in Tennessee and Virginia.

William J. Long and Peter Brecke, in *War and Reconciliation*, illustrate a process of how a new, lasting social order is established after a civil war. This is "a protracted process of recognition of harm and public truth telling, redefinitions of identities and social roles of antagonists, and partial justice short of revenge."[75] Of these, the last two, redefining identities and roles and partial justice, are identified as essential to reconcile the society and achieve lasting peace. In Tennessee, identities and roles were redefined. The Radical Republicans were in charge.

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[75] Long and Brecke, *War and Reconciliation*, 65.

Former slaves were free and enfranchised. Ex-Confederates were oppressed politically, disenfranchised, and unable to hold office. The army was involved with the Freedmen's Bureau and relegated to supporting a partisan civil government. These redefined identities did not sit well with the population writ large. These identities, pushed by the Radical Republicans, were ultimately seen as vengeful justice, geared towards destroying antebellum Tennessee society and preventing ex-Confederates from having a voice in the future of the state. In contrast, Virginia had differently redefined roles and identities. The army was charged with the protection of Virginians, enforcing the laws, supporting local and civil authorities, protecting elections, and managing a transition back to civil control. Radical Republicans had to mobilize popular support for their policies. Ex-Confederates had to accept the emancipation of slaves, but were able to participate in the political process and keep the ex-Confederates enfranchised. In the end, justice and the new social order were not perceived as vengeful; clearly, after a war, the social order would be different, but the changes in Virginia were acceptable to the majority of the population. Therefore, Virginia managed to avoid the violence and instability that Tennessee experienced.

In another theoretical construct, Yaacov Bar-Siman-Tov outlines three conditions for what he terms a "stable peace." These three conditions are: mutual satisfaction, structural-institutional conditions, and learning.[76] Of these, "mutual satisfaction is the first and immediate precondition in the long process of stable peace."[77] Analyzing the outcomes in Tennessee and Virginia, it is obvious that mutual satisfaction was achieved in one and not the other. Tennessee's socio-political reality after the Civil War was so oppressive that large areas and portions of the population, especially ex-Confederate soldiers and officials, could not accept it. Virginia's political process under military rule was allowed to progress under an umbrella of security until a

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[76] Yaacov Bar-Siman-Tov, "Dialectics between Stable Peace and Reconciliation," in Yaacov Bar-Siman-Tov, ed., *From Conflict Resolution to Reconciliation* (New York: Oxford University Press, 2004), 64.

[77] Ibid.

mutually satisfactory result was obtained. Indeed, as Bar-Siman-Tov states:

> Any agreement that satisfies only one side may foil the process of implementation of the agreement. Satisfaction should not be limited only to the decision makers' echelon or to the ruling political or military elites, but should also include most of the political, economic, and social elites, as well as other sectors of the population. Wide satisfaction with the agreement will legitimize the peace agreement and minimize the influence of those who are less or not satisfied with the agreement.[78]

The critical factor here is that mutual satisfaction with the new order could not come about in Tennessee, because the only potentially moderating influence, the Union Army, did not have the authority to intervene and allow a mutually satisfactory agreement to emerge. In contrast, the First Military District in Virginia did have this power, allowing a mutually satisfactory resolution to emerge.

In another construct, Louis Kriesberg defines four primary dimensions of reconciliation: truth, justice, regard, and security (fig. 4).
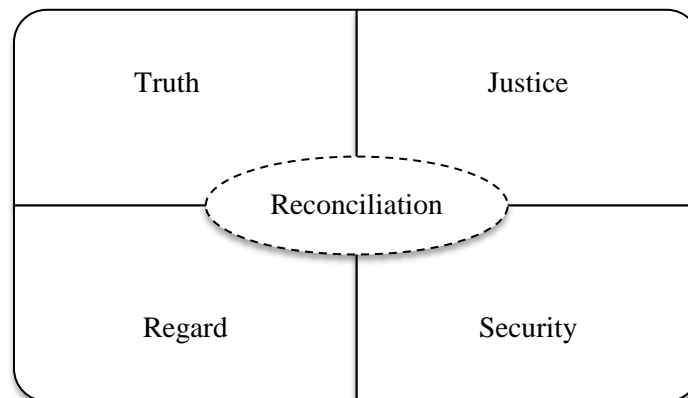

Figure 4. Dimensions of Reconciliation

Source: Adapted from Louis Kriesberg, "Comparing Reconciliation Actions within and between Countries," in Yaacov Bar-Siman-Tov, ed., *From Conflict Resolution to Reconciliation*, (New York: Oxford University Press, 2004).

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[78] Bar-Siman-Tov, *From Conflict Resolution to Reconciliation*, 65.

Of these, the dimensions deemed critical are "Justice" and "Security." As Kriesberg states "the sense that they are suffering injustices is often what drives the parties in a conflict. Reducing the sense of injustice is essential, then, to removing the basis for many conflicts."[79] In this dimension, Tennessee shows a gross level of socio-political injustice during the Reconstruction Era, while Virginia, on its longer road to political moderation, achieved an acceptable level of justice for all parties. Defining security, Kriesberg states, "members of the formerly antagonistic entities believe…that they are now safe from physical injury by the other side [and]…entail the absence of structural violence and the attainment of positive peace."[80] Tennessee was unable to maintain this sort of security, as the security forces wielded by the state were partisan in nature and did not secure everyone equally; in reality, the Radical Republicans in Tennessee merely continued the war against ex-Confederates. In Virginia, the US Army established security, keeping violence in check and providing an environment where Virginians were generally free from harm while allowing them to exert political influence.

In this study's final theoretical framework of reconciliation, Ho-Won Jeong outlines "Security and Demilitarization" and "Political Transition" as two key aspects of peacebuilding. "Maintaining a cessation of all violent conflict is the foundation for a peaceful transition to the creation of a new government, economic development, and social reconstruction [and] steps toward demilitarization are composed of force reduction, demobilization, and reintegration of ex-combatants into society."[81] On this aspect of security and demilitarization, Tennessee was never able to cease all violent conflict. It continued even though official hostilities ended between the North and South after General Lee's surrender at Appomattox. Largely, this was because of the

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[79] Louis Kriesberg, "Comparing Reconciliation Actions within and between Countries," in Yaacov Bar-Siman-Tov, ed., *From Conflict Resolution to Reconciliation* (New York: Oxford University Press, 2004), 83.

[80] Ibid., 85.

[81] Jeong, *Peacebuilding*, 39.

components of demilitarization, only the first two were conducted in a satisfactory manner. Forces were reduced on both sides; United States armies were reduced by releasing soldiers from the service, and Confederate armies were disbanded. However, the last component was not accomplished. Ex-Confederate soldiers in Tennessee were not reintegrated into society. Rather, the Radical Republicans succeeded in marginalizing them, making it socially and politically difficult for former Confederates to become functioning, full members in society. In Virginia, all three components were met. Ex-Confederate soldiers and officials were able to reintegrate into society, and their voices were allowed to find representation in the new political order. The second aspect of Jeong's framework was political transition, or "the establishment of a functioning government acceptable to the different parties, along with the formation of mutually agreeable expectations and rules for intergroup dynamics."[82] Clearly, Tennessee's political transition was not agreeable to the differing parties; it was dominated by an extreme group of politicians who actively oppressed other groups and dissenting voices. In contrast, Virginia's political transition was longer and more contested, but ended in a government and policies that were acceptable to various groups within the state. Amendments to the US Constitution were ratified, slaves were freed, freedmen were enfranchised, and ex-Confederates were not disenfranchised. The ultimate Virginia constitution and government was a compromise, and no group had to resort to violence to achieve its goals.

These theoretical constructs help explain and illustrate why the results in Virginia and Tennessee were so different after the Civil War. In essence, the nature of the post-conflict environment in Tennessee was not conducive to a perception of justice for both sides, thereby *de facto* continuing the war. Meanwhile, in Virginia, the presence of a somewhat impartial occupation force allowed for mutually satisfactory justice and a political transition. However, it is

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[82] Jeong, *Peacebuilding,* 77.

also useful to analyze these results in the stability framework currently enshrined in US military doctrine.

Analysis Through Current Military Doctrine

The US Army's Field Manual 3-07 *Stability* outlines five primary stability tasks: establish civil security, establish civil control, restore essential services, support to governance, and support to economic and infrastructure development.[83] While the US Army during Reconstruction conducted all of these stability tasks, it primarily established civil security, established civil control, and supported governance. Analysis shows that along these stability tasks, military forces in Virginia had the appropriate means and authority by which to conduct their mission, while those in Tennessee were hamstrung by being subordinated to a state government that many perceived as illegitimate.

In the realm of establishing civil security, the lack of authority and capacity of forces in Tennessee prevented the US military from appropriately responding to cases of instability within the state. They had to be requested and deployed by the state government, and even when it was deployed, it did not have the forces available to secure large portions of the state in a consistent, long-term manner. This stands in contrast to Virginia, where General Schofield and his First Military District had both the authority and the means by which to conduct security operations.

As for establishing civil control, it would seem initially that civil control was first established in Tennessee. While this may have been so on paper, as the Brownlow government was established early on, in function, the civil control exercised by that government was not perceived as legitimate. For civil control to be established, it must "foster the rule of law…that all persons, institutions, and entities-public and private, including the state itself- are accountable to

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[83] Field Manual (FM) 3-07, *Stability*, (Washington, DC: Government Printing Office, June 2014), v.

laws that are publicly promulgated, equally enforced, [and] independently adjudicated."[84] The

Radical Republican government failed in this regard, as the rule of law was inconsistent with

society's desires and completely excluded an entire portion of the population; moreover,

enforcement was uneven, partisan, and oppressive. In Virginia, the Union Army determined the

rule of law and the population generally perceived the military as an honest broker. Civil control

was given to local officials, but when it was found to be biased or unequal, the military was able

to step in to enforce the rule of law as set forth by the federal government. Overall civil control of

the state was not re-established until a new rule of law, acceptable to the majority of the

population from both ends of the spectrum, was established and then ratified through elections

monitored and protected by the military.

In supporting governance, military forces support transitional administrations, support

development of local governance, support anticorruption initiatives, and support elections.[85] In

this, military elements in both Tennessee and Virginia were successful, but the basic legitimacy

of those governments were wildly different. Tennessee's Brownlow administration was

illegitimate because it did not represent the whole population, and actively moved to

disenfranchise people who would be opposed to Radical Republican ideals. Virginia's interim

Pierpont government was also illegitimate because it did not represent everyone in the state, but it

also did not have the broad authority to make major decisions, either; the Union Army retained

control. In the subsequent years, a fully legitimate government and constitution was formed

through natural political developments.

Final Analysis

Analyses of historical events through theoretical and doctrinal constructs help explain

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[84] FM 3-07, *Stability*, 1-2.

[85] Ibid., 1-4.

why Reconstruction Era Tennessee and Virginia had such different outcomes. Synthesizing the theories and doctrine, it is clear that there are two major factors in avoiding a resurgence of violence after a conflict: universal security and universally acceptable socio-political change.

Universal security implies that all parties within the affected area are treated equally with regard to protection from physical harm. In a post-conflict environment, the only forces available to exercise this security function may be the military, until local forces can be recruited and trained. The capability to ensure security involves two elements, in general: capacity and authority.
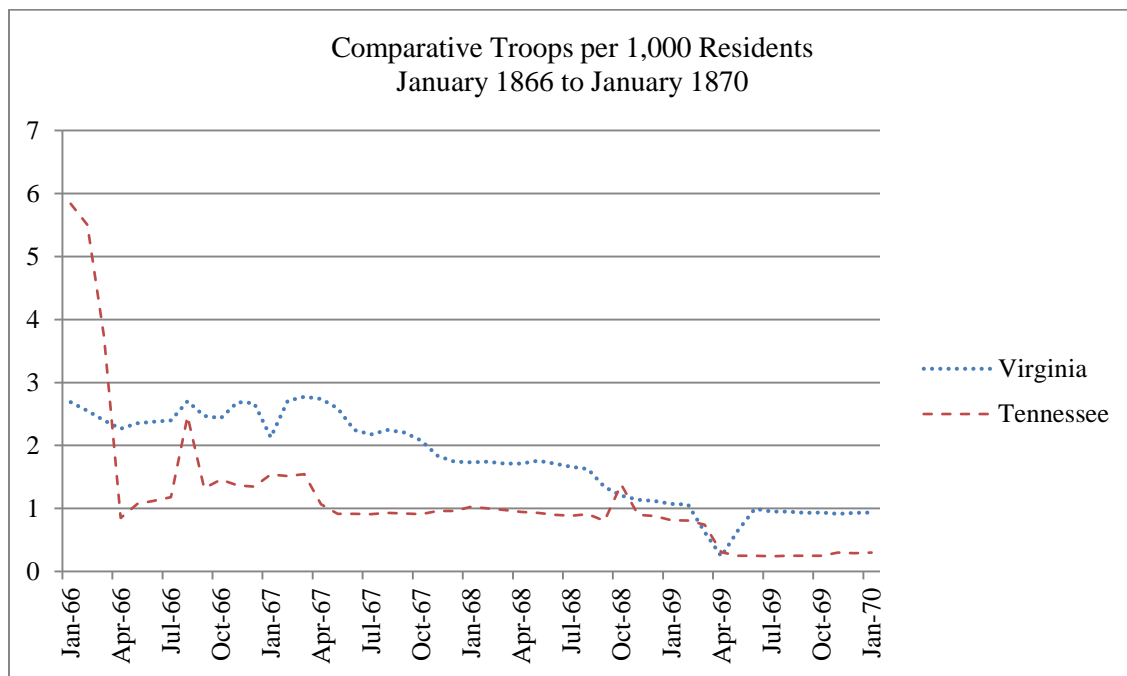
Figure 5. Comparative Troops per 1,000 Residents – January 1866 to January 1870

Source: Data adapted from Gregory P. Downs, Mapping Occupation Troop Locations Dataset, 2015, accessed 10 December 2015, http://mappingoccupation.org/map/static/data.html.

Capacity implies numbers, especially in relation to the population within the area. The comparison in figure 5 shows how the numerical relationship between troops and residents affected the military's capacity to respond to violence and instability. For much of the

Reconstruction Era, Virginia's troop concentration was between one and two troops per 1,000 residents. In the initial stages, until the fall of 1867, Virginia's troop concentration was above two per 1,000 residents. In contrast, Tennessee saw comparatively fewer soldiers per capita. Troop concentrations there were generally held at about one soldier per 1,000 residents. According to a study conducted by the Strategic Studies Institute in 2009, "the minimum counterinsurgent force is 2.8 soldiers per 1,000 residents."[86] In another study by the Combat Studies Institute in 2006, John J. McGrath argues that an ideal counterinsurgent force "of about 13.26 troops per 1,000 inhabitants provides a historically based guideline."[87] Combining these historical analyses, Virginia approached the bare minimum concentration of troops, although it fell far short of the ideal for much of the Reconstruction Era. In contrast, Tennessee never even approached the bare minimum. In terms of pure capacity, it is clear that the military force in Virginia was better positioned to provide security.

Authority is as important as capacity. The US Army was in both Tennessee and Virginia, but only the military in Virginia was authorized to provide security free from potentially partisan influence because it had the legal standing to function as the government there. The success in Virginia came because this authority existed, and also because of the personality of General Schofield and his moderate interpretation of his authority. He clearly had more authority than he used, and he used his power judiciously as a moderating force, not as a partisan one. With his moderate approach, all Virginians were provided security. In Tennessee, because of the limitations placed on the military, it was essentially suborned to a partisan state government, and thus was unable and unauthorized to provide impartial, universal security.

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[86] Steven M. Goode, "A Historical Basis for Force Requirements in Counterinsurgency," *The US Army War College Quarterly: Parameters* 39, no. 4 (Winter 2009-2010): 45.

[87] John J. McGrath, *Boots on the Ground: Troop Density in Contingency Operations*, Global War on Terrorism Occasional Paper 16 (Fort Leavenworth, KS: Combat Studies Institute Press, 2006), 147.

As for universally acceptable socio-political change, the differences are clear. Tennessee was ruled by an oppressive Radical Republican regime whose policies were not universally acceptable. Therefore, those oppressed fought back violently. In Virginia, years of political turmoil resulted in generally acceptable socio-political change and policies, ratified by the population writ large, not just one radical element. The interesting part of this portion is that military occupation, governance, coercive potential, and intervention was required for the political process to unfold without having one extreme element in control of the state. In order to create acceptable democratic institutions, a temporary military dictatorship was required.

Conclusion

The analysis shows that the moderate usage of a military occupation with coercive potential and the authority to conduct operations, coupled with a relatively free and open political system, leads to stability after a conflict. However, this study is temporally scoped to include only the years of Reconstruction in the Southern states. If the timeframe is widened, history shows that the socio-political issues evident after the Civil War did not go away.

Over a century of socio-political schisms throughout the nation followed the end of Reconstruction. While black freedom and suffrage was granted during the years following the Civil War, the deep social divides that had defined the antebellum South continued for generations, reincarnated in the "Jim Crow" laws passed in the late nineteenth and early twentieth centuries, which segregated blacks from whites and disenfranchised black voters through poll taxes, literacy tests, and other requirements. Virginia, for example, altered its Constitution in 1902 to include such restrictions, so that the thirty-six percent of the electorate represented by blacks before the Constitutional amendment was halved afterwards.[88] The socio-political

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[88] Virginius Dabney, *Virginia, The New Dominion* (Charlottesville: University Press of Virginia, 1971), 436-437.

regression did not stop there, nor was it confined to individual states; nine days after a 13 July 1913 Gettysburg semicentennial reunion, President Woodrow Wilson issued orders "to create separate lavatories for blacks and whites working in the Treasury Department," one step in the "administration's increasingly aggressive program of racial segregation in federal agencies."[89] These racial divisions were not removed until the Civil Rights movement in the mid-1900s and the subsequent passage of federal laws like the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Even today, remnants of this racial divide are evident in the aftermath of incidents in Ferguson, Missouri, in 2014 and Baltimore, Maryland in 2015.

Therefore, *permanent* socio-political change and stability cannot be brought forth by a moderated combination of military occupation and reconciliation following a conflict. If permanent change is the policy, the government and people must have the will to commit the whole of government resources to a semi-permanent occupation. This semi-permanent occupation must last through generations of socio-political evolution, much like the United States has done in Germany, South Korea, and Japan following World War II. However, if *transient* or *incremental* socio-political change is acceptable, or if political will to commit resources does not exist to gain permanent effects, the moderate combination of the two concepts can keep violence at bay and allow for political discourse until a new socio-political equilibrium is reached. If military occupation with its inherent coercive potential is not used or more importantly, is not given the authority to control the political discourse, then the result is potential socio-political domination by one faction, leading to instability and violence.

Areas for Further Study

In analyzing only two states, the scope of this study is narrow and does not do justice to

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[89] David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Belknap Press of Harvard University Press, 2001), 390.

the complexity and varied nature of the Reconstruction Era after the Civil War. Military governments were emplaced in all the Southern states except Tennessee. Even with these military governments, some, like Louisiana and South Carolina, experienced huge social upheaval and violence throughout the Reconstruction Era. Louisiana experience riots in New Orleans, Baton Rouge, and several other cities that the military found difficult to prevent or control. South Carolina served as fertile ground for the KKK, and that organization sowed discord and violence for years before it was brought down. The nature and type of military governance and the socio-political process and changes in those states should be studied further to understand why coercion and reconciliation worked in Virginia but not elsewhere. A clue to the answer may be that Louisiana and South Carolina both experienced rapid political change, where "carpetbagger" Radical Republican governments took power, similar to the civil leadership in Tennessee. It is worth examining whether the military governments in those areas did more to support partisan goals, making them an enforcement arm of one faction, rather than a dispassionate, non-partisan element allowing political processes to occur naturally.

Additionally, aside from the American Civil War and its aftermath, other similar historical examples of post-conflict resolution should be examined to see if the combination of coercion and reconciliation works in other areas of the world. A potential avenue of study may be the differences in outcomes within Germany after World War II, when there were American, British, French, and Soviet sectors of responsibility. The differing approaches taken in different sectors and their results may lend more credence to the conclusions drawn here.

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